G. R. S. IX-5]

Reserve

Previous references.

File No. 158-17

1917-18
(Cents)

Serial Nos. 475

Later references.

cts 158-17 & 16-17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 475

Part B for Feb 1918.

SUBJECT.

Memorial of Havaldar Hanuma Bhoyee of Lakkavalli of the Sankeri PK Kadur Dist., Re- his election to the Representative Assembly —.

W D 88—GPB—50,000—24-7-18

Md Abdur Rahman
19.2.1918

G. R. S. 11] 1917-18

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 158-17

FILE HEADING.

Petition from the Kadapa District-

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

J.468 ~~Ex~~ 18-17-4

SE no: 4

1) The petitioner states that in consequence of his conviction ~~&c~~ for abetment of theft, he has been debarred from ~~[illegible]~~ being nominated or elected to represent the interest of his community, and begs that, in consideration of the points urged in para 1 of the petition, the disability he is now under may kindly be ordered to be removed.

2) Subs with reference to the Secretary's order on the petition. The petitioner seems to refer to his election to the Representative Assembly and similar institutions. The petn. may perhaps be transferred to Branch V.

AM.
8/9

ES
8/9

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 84—GPB—60,000—20-7-16

B V 13) Please consult the Dasara Section
VS
11/8/16

To the Dasara Section.

AAR 1079

GEN. & REJ. SECRETARIAT DASARA SEC. 1 SEP 1917

Submitted.

1) It is doubtful whether the petitioner refers specifically to his disqualification for election to the Representative Assembly on account of the conviction referred to in paragraph 2 of the memorial. Probably he refers to elections to Taluk and District Committees of the Economic Conference &c.

If it be granted that he refers to his election to the R.A. then the following points are noted for orders:-

(a) The petitioner residing in Lakvalli belongs to Tarikere taluk. The minimum land Revenue the payment of which entitles a person for election to represent that taluk in the R.A. is ~~300/-~~ Rs. per annum. The petitioner says he pays a Kandayam of Rs. 250/-. Thus he is only entitled to vote at an election as he pays more than Rs 150/- the minimum prescribed for a voter from Tarikere Taluk

(b) There is nothing in the Rules relating.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

to the ~~[illegible]~~ constitution & conduct of business of the R.A. to debar a person convicted of any offence from voting. Could he may exercise ~~[illegible]~~ this right at the triennial ~~[illegible]~~ election which comes off in 1918. He has to apply to the Dy. Com^r. for this.

(c) His other activities referred to in paragraphs 1(d), (e), (g), (h) of the petition are entitled for recognition in the Economic Conference.

~~[illegible]~~ 7) As regards however, 19/9/17 the ineligibility of persons to be returned as members of the R.A. Kind attention is invited to paragraph 10 of G.O. No. G. 10156/GR 33-14-1 dated 22nd March 1915.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 84—GPB—60,000—20-7-16

12/9/17

8) The prayer in the petition is contained

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 1-5 of 191 1.

Serial No.

in the last two paragraphs thereof and amounts to this: petitioner on account of a conviction in a Criminal Court is debarred from certain social, civic, and economic activities not particularised and prays the disability "abovenamed" may be removed so that he may again act in these activities as a "representative" of his community.

9) Beyond the word "representative" which by itself cannot mean a member of the Representative Assembly there is nothing to show that he means to refer to membership of the RA as the prize he desires. Other words seem to indicate that a much larger field is intended.

10) The disabilities caused by conviction in a criminal court are many and it is ~~not~~ doubtful ~~safe to assume~~ ~~that~~ if the memorialist means all of them or ~~that~~ if a list can be made of all those that he intends.

11) It seems desirable therefore that the memorialist should be asked to state what exactly he means and refers to in the memorial. On receipt of a reply from him further action may be taken.

Branch iii ~~Head Secretary~~). 12/9/17.

12) Submitted. From the above it seems clear that in any case the subject of the petition is not one that has to be dealt with in this branch. Necessary action has therefore to be taken in the Dasara Section, Branch IV. or B.V.I. ; vide para 5 Supra.

1319

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 191

Serial No.

13)

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. [illegible] of 191[illegible].

Serial No.

14

Municipal Regulation. Under Section 15 a person sentenced to imprisonment for an offence punishable with imprisonment for over 6 months cannot become a municipal Councillor

But conviction does not seem to be a disqualification for the purpose of voting at a municipal Election; vide Rules 486 of the Municipal Election Rules (Notifn no. 6859-ML 32-08-I dy 25-1-09)

15

Local Boards Regulation and Rules thereunder

Please see Section 4 of the Regulation and Rules 10 & 15.

While sentence to imprisonment is a bar for becoming a member of a Local Board, it does not disqualify one for the purpose of voting at an election.

16

Representative Assembly.

Rule 10 of the Rules published under Notification no 6/10156-GR-33-14-I dy 22-3-1915 makes Conviction a disqualification for membership of the R.A, provided that the offence for which the man is convicted implies a defect of character which unfits him for membership. But that or any other rule does not say that conviction is a disqualification for voting also.

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

General and Revenue Secretariat. | File No. [illegible] of 191[illegible].

Serial No.

17) Legislative Council

In the case of the election of 4 persons from the Representative Assembly, the provision of in Rule 10 of the Rules of 22-3-15 applies

In regard to the election of the other four non-official members, the rules published under Notfn no. 2292 Legis 20-13-2 of 12-2-1914 do not say anything about conviction operating as a disqualification.

A copy of the Regulations & copy of the Rules are put up.

O

Notification No 2292 Legis 20-13-2 of 12/2/1914

18) Economic Conference

For the Central Committee 'all persons ... ~~or Conference~~ permanently residing in a district, who are actively engaged in agriculture, trade ... shall be eligible for election'. Though nothing is mentioned in this rule about disqualification for election, the electorate for choosing members is to be composed of R.A members, Dt & Tk Board members & non-official members of Municipal Boards &c.

For the Dt & Taluk committees, the members of are required to be representatives of the Tks and Dt Boards and also of any special commercial or industrial interests in the Tk.

Vide for para 7) & the Manual & Govt Orders re Economic Conference

Spare copies of the above are not required

Pages 17023 of the above

19) The Village Courts & the Tamil Panchayet Regns.

For appointment election as a Village Munsiff (and perhaps also in the case of a Member of a Bench) conviction is a disqualification, if the Dy Govt thinks so.

The same rule applies in regard to the election of Ryots to Tamil Panchayets.

Rule 19 etc Rules under the Village Courts Regn - Copies put up

Section 5 of the Tamil Panchayet Regulation

NOTE—Contn. sheet.

Copy put up

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2.

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Serial No.

20/ As observed in para 10 Supra it is not clear which of the several disabilities is referred to by the petitioner, and an enquiry is perhaps necessary as suggested in para 11. If approved a draft will be put up.

22/ Subd for orders

Asst 30/11 3/12

3/12

22/ Yes.

Draft Subd

Asst 4/12 5

23/ Issue

5

To Vanniya Boyee

No 1587 dt 7.12.17

Asks him to state what the particular disabilities referred to in the petition are

21/ The petr has not sent a reply & there seems to be no necessity to keep the file in Sec's any longer. If approved the papers will be filed.

Subd Asst 12/12

His may be filed.

12/12/18.

Sub B 13/12/17

R 12/12/18

NOTE—Contn. sheet.

GEN. & REVENUE SECRETARIAT III JUDICIAL 25 AUG 1917 A S III

Presented in person

A request to his excellency in the fields of social economic activity may be need up

DIARY NO. 1468

To

Sir M. Visvesvaraya, B.A., M.I.C.E.,K.C.I.E.,
Dewan of Mysore, BANGALORE.

The memorial of Havaldar Hanuma Bhoyee, son of Havaldar Siddabhoyee, Land-holder, Banker and Merchant, residing at Lakkavalli of the Tarikere Taluq, Kadur District:

Respectfully sheweth:

1. Before proceeding to deal with the object with which this memorial is submitted your memorialist deems it necessary to give a brief account of his family and his present position in society in order that Your Excellency may be pleased to consider this humble memorial in the light of facts furnished.

(a) Your memorialist belongs to the community of "Namadhari Voddars" of the Chitaldroog District, and in former times the grand-father of the memorialist's father received a distinction of Havaldar from the then Sovereign of the country for the meritorious services rendered by him. From the available family records it would be seen that the family of the memorialist with about 200 adherents of the memorialist's community are living a peaceful and respectable life for the past 300 years adopting for their profession agriculture and trade.

(b) The memorialist is paying a kandayam of Rs.

250/-

a year for the lands he owns at Lakkavalli and he has been maintaining about 150 cattle and a large establishment.

(c) The memorialist and his father have had extensive transactions with the Forest Department by way of taking contracts to the extent of several lacks of Rupees and the dealings of the memorialist in timber alone as a trader are of no ordinary - nature.

(d) Your memorialist has been instrumental in bringing into existence at Lakkavalli a Co-operative Bank of which he is the Honourary Secretary and the Treasurer and this was done by him in sacrifice of his personal interest as a Banker (Copy of inspection notes of the Deputy Commissioner herewith submitted will give an idea of the work the memorialist is doing).

(e) The memorialist has paid Rs.120/- as a - contribution for opening an English School at Lakkavalli.

(f) The memorialist has given a donation of Rs. 100/- towards the Imperial Lancers War Relief Fund.

(g) The memorialist has set apart a portion of his house for the lodging of travellers who are supplied with provisions gratis.

(h) The memorialist has opened exclusively at his expense a Free Reading Room at Lakkavalli.

(i) The memorialist is the first member of his community in the Province who has received English - Education and he is now aged only 34 years.

2. Coming now to the object of the memorial the memorialist humbly begs to bring to Your Excellency's - notice that in the year 1915 he was charged before the - Taluq Magistrate of Tarikere for having abetted the offence of stealing jungle (unburnt) stones from an abandoned depot of the Forest Department at Lakkavalli, and was unfortunately ordered to suffer an imprisonment of - two months. Your humble memorialist takes the liberty to mention here that there was so much of deep-rooted - intrigue and foul-play by certain persons in bringing about this misfortune upon him and that he had no opportunities to defend himself successfully. The fact that the memorialist had obtained a license for collecting jungle stones in an adjacent Survey Number measuring about 600 acres for the collection of which he had set some coolies (Vide original license attached hereto), the fact that the stones of the old depot had been already sold away by the Forest Department about ten years previously, that the Forest Department owned no such property there at the time of the alleged offence (Vide authenticated copy of the Ranger's Cash Book - appended herewith) and the fact that the property itself was not attached or traced or any attempt made towards that direction were worth the careful and grave consideration of the Court. Whether a person in the position of the petitioner would have ever become a party to this mean transaction was an important circumstance which was lost sight of. However, without entering into the merits of the case any further it suffices to mention here that the memorialist has lost to his misfortune, all chances of securing the redress he was entitled to in this connection.

3. As an immediate effect of the above unfortunate - incident the petitioner is debarred from enjoying the privi-

-leges

privileges of an ordinary citizen in matters connected with civic life and his community is deprived of the only chance of nominating or electing the memorialist to represent its interest in social, economic and civic activities, there being no other member of his community throughout the Province conversant with English and Kannada and qualified to discharge the functions of a representative. Thus Your Excellency will be pleased to observe that on account of the said most unfortunate disability it is not the petitioner alone that has suffered but the community is also greatly handicapped. The attempts of the memorialist to ameliorate the condition of his community and to bring on regeneration have been thus frustrated.

The memorialist therefore humbly prays that Your Excellency will be pleased on a kind consideration of the above - facts to use the Prerogative powers vested in Your Excellency and to remove his disability abovenamed so that Your memorialist may enjoy the same privileges as an ordinary citizen in all social, economic and civic life and become once again eligible to act as a representative of one of the most loyal sections of His Highness the Maharaja's subjects.

BANGALORE,
24th Aug. 1917.

Hanumantha

Inspected the Co-operative Society at Lakkavalli. The Institution showed all signs of prosperity and steady improvement in business. The aim of the Society should be to attract share holder from the raiyat class. The total amount of transactions from July 1916 is Rs.12,000/-. Share capital and deposits amount to Rs.4,900/-. Loans granted on adequate security up to end of December 1916, - Rs.5,000/-. Balance on hand Rs.1,383-4-2. Havaldar Hanuma Bhoyee is the Secretary. He deserves credit for the sound management.

9-1-1917.

Sd. L.Krishna Rao,
Deputy Commissioner, Kadur District

				S. S.			
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4.12.16

True Copy

TWO ANNAS

GOVT OF MYSORE

ಎರಡು ಆಣೆ

Copy of the entry of Cash book of Lakvally Range for the month of August 1905.

Dr item no 17 dated 25. 8. 1905

Received from Lakvalli Devarajaya the Sale amount of old walls of Lakvalli depot as Sold on the 31. 3. 05, and Confirmed the Sale as per District Forest officers no 3420 dated 3. 4. 1905 Rupees (6-4-0) Six and annas four only under head R IV (c)

Sd/. K. G. Shondurao

Range forest officer

Lakvalli.

"True Copy".

M G Venkatesha

4/8/17

FOREST RANGE OFFICE LAKVALLI

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
31. 1. 1917			nil	nil

Copy ready on the	Copy delivered on the	Copied by	Examined by
1. 3. 17	4. 3. 17	L. Chennakeshava Rao Clerk Range office	

ct 158-17-5.

No D 1984 4 th Dec 17

O.M

With reference to his petition
D/24.8.17 praying for the removal
of certain disabilities consequent on
his conviction in a criminal case,
Havildar Hanumabayee, Land-holder,
Lakkavalli, Tarikere TK, is required
to state what the particular disabilities
~~he~~ ~~means and~~ referred to in ~~the~~
petition are..

By Order

for Chief Secretary

4th Dec 1917

Signed by Dr. G. Sreenivasa Murthy

Ans 4/12